

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re	)	Case No. 05-21573-C-7
	)	
MICHAEL J. MOURA,	)	DC No. KKY-1
	)	
Debtors.	)	

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
ON MOTION FOR RELIEF FROM AUTOMATIC STAY**

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(G).

Findings of Fact

Debtor filed this voluntary chapter 7 petition on February 15, 2005. He scheduled a 1998 BMW ("vehicle") as an asset of the estate. In Debtor's Statement Of Intention, he stated he intended to surrender the vehicle. The chapter 7 trustee filed

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1 a report finding that there was no property available for  
2 distribution from the estate over and above that exempted by  
3 debtor. The court notes that the debtor received a discharge  
4 from all dischargeable debts on May 19, 2002.

5 On May 12, 2005, San Francisco Fire Credit Union  
6 ("movant") filed a motion, notice, and declaration requesting  
7 that this court vacate the automatic stay to permit movant to  
8 repossess the vehicle. The Kelley Blue Book value of the  
9 vehicle is approximately \$9,000. The motion and declaration  
10 establish that the debtor owes the movant approximately  
11 \$10,914.85. No opposition to the motion was filed. Upon  
12 review of the record, the court determined that the written  
13 record was adequate and that no oral argument is necessary.

14 Conclusions of Law

15 The automatic stay of acts against the debtor in personam  
16 and of acts against property other than property of the estate  
17 will terminate when an individual in a case under chapter 7 is  
18 granted a discharge. 11 U.S.C. § 362(c)(2)(C).

19 Because the debtor was granted a discharge, the motion for  
20 relief from the automatic stay as to the debtor is moot. Thus,  
21 the motion will be denied.

22 The motion will be granted as to the trustee because the  
23 trustee filed a no asset report.

24 An appropriate order will issue.

25 Dated: June 3, 2005

26   
27 UNITED STATES BANKRUPTCY JUDGE  
28

CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

Michael Moura  
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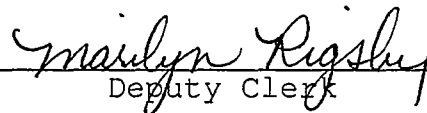
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United States Courthouse  
501 "I" Street, Suite 7-500  
Sacramento, CA 95814

Dated: 6/3/05

  
Deputy Clerk